

Retaining Walls

When is a retaining wall required?

The Building Act 1975 (s75) requires that if soil conditions, ground levels, excavation or filling make it necessary to protect land, buildings or structures in the neighbourhood then:

- retaining walls, or other suitable methods must be used, to prevent soil movement; and
- drainage of the land, buildings or structure must be provided.

When is a development application required?

In some cases, the proposed retaining wall may require all of the below application types:

- Building Permit
- Development Permit for Building Works Assessable Under the Planning Scheme
- Operational Works Permit

Retaining Wall over 1 metre in height Building Permit is required from a Building Certifier

Retaining Wall over 1 metre in height and related to a reconfiguring a lot permit Operational Works Permit is required and Building Permit

Retaining Wall over 1 metre in height and located within a planning scheme overlay and or within setbacks Development permit for building works assessable under the scheme is required and a building permit.

Retaining Wall not compliant with the Planning Scheme Development Works Code (acceptable outcomes applicable for earthworks and retaining walls) Development permit for building works assessable under the scheme is required and a building permit.

To see if there is a planning scheme overlay on the property please refer to [Councils Interactive mapping](#).

Setback and Siting Requirements

The whole of the structure, including sub-drainage, spoon drainage on the top/at the base of the wall, footings, etc must be wholly within the boundary of a property. The owner of the property on which the wall is located is responsible for the maintenance of the structure. A development permit for building works regulated under the planning scheme is required should the retaining wall not comply with the setbacks as per schedule 10 of the planning scheme.

How do I receive further assistance?

Council offers a range of free and paid development and town planning advice through the Duty Planner.

While Council aims to assist applicants through the process, many applications are complicated and deserve the attention of a consultant (town planner, surveyor or other appropriately qualified professional) for help with the proposal.

Lodging a development

An application should include the following supporting documentation and supporting information:

- [DA Form 1](#)
- [DA Form 2 \(if applicable\)](#)
- Relevant plans as per the DA Form
- Planning Scheme Codes addressed
- All supporting information including applicable reports
- Payment of applicable fees and Charges

Where to lodge your application

All development applications should be submitted using Councils [online services](#).

Related Websites and Information

Livingstone Shire Councils Planning Scheme and mapping

<https://www.livingstone.qld.gov.au/doing-business/building-and-development/town-planning/planning-scheme-information>

Related Information Sheets and Checklists

<https://www.livingstone.qld.gov.au/homepage/247/development-information-sheets-and-checklists>

DISCLAIMER: This information sheet is a summary only and has been prepared to assist the reader to understand planning requirements. The information is general advice only and does not bind or fetter Council in any way in exercising statutory responsibilities or in assessing any development application which might be made to the Council. Please refer to the full Livingstone Planning Scheme 2018 document on Council's website for further detail.